

IV. REMARKS

Shadow Gestures relates to a system that uses a camera and a point light source to track user's hand in three dimensions (Abstract). The system recognizes three natural gestures and tracks two fingers in three dimensions (p. 479, end of left col.). Specific finger gestures that are recognized are used for controlling applications that require multi-dimensional control (p. 484, end of left col.).

Amended claim 17 reads:

"...said positions [corresponding to each alternative] in the space surrounding a user are sectors on an arcuate area..."

Other independent claims 24, 45 and 52 have corresponding limitations.

Shadow Gestures relates to multi-dimensional control and does not disclose even an arcuate area surrounding the user or sectors of such arcuate area as different positions corresponding to different alternatives. Also the Examiner has admitted that Shadow Gestures does not disclose the limitation wherein the positions are sectors on an arcuate area.

Moreover, Shadow Gestures does not disclose making a selection or interpreting user's commands on the basis of the position of a member of the body in the area surrounding the user; position herein meaning location or place of the member of the body in the area surrounding the user.

At least for these reasons claim 17 is not anticipated by Shadow Gestures. Equal arguments apply to device claim 24, system claim

45 and user interface claim 52 due to their limitations similar to claim 17.

Thus the rejection of claims 17-31, 38, 44-45, 47 and 51 under 35 USC 102 on Shadow Gestures should be withdrawn.

Further since the above features are not suggested by this reference, these claims are unobvious over it.

Similarly, Kuman fails to disclose the above features. Thus combining it with Shadow Gesture does not result in the claimed invention. Thus claims 32, 46 and 48 are unobvious under 35 USC 103 on this reference combination.

The Examiner states that Selker discloses that the positions are sectors on an arcuate (area). Selker relates to graphical user interfaces having a pie menu, whereas Shadow Gestures does not relate to graphical user interfaces but to gesture-based human-computer interactions. Graphical user interfaces are specifically used in display devices. Therefore a man skilled in the art would not have looked at Selker when trying to solve the problem of avoiding the need to look at the display in order to be able to make a selection. (The problem stated in current application for example on page 1, lines 24-26). Thus the references cannot be combined to solve the present problem.

Moreover, even if Shadow Gestures and Selker are somehow combined, the currently claimed invention is not achieved. The menu selections or sectors disclosed in Selker are not positions or locations surrounding the user. Shadow Gestures discloses neither positions nor locations surrounding the user. Therefore, the combination of Shadow Gestures and Selker does not lead to

having alternatives as positions in the space surrounding a user, wherein the positions are sectors on an arcuate area as presently claimed.

Thus the rejection of claims 33-37, 39-43 and 49 under 35 USC 103 on this combination of references should be withdrawn.

Similarly, Engdahl fails to disclose the above features. Hence combining it with the above references does not result in the presently claimed invention. Thus the rejection of claim 51 under 35 USC 103 on Shadow Gestures, Kumar and Engdahl should be withdrawn.

It is noted that independent method claim 17 is limited by "said positions are sectors on an arcuate area and said first movement comprises moving the member of the body to a certain sector on said arcuate area". This limitation is based on already examined claims 33 (now deleted) and 35. Independent device claim 24 is now limited by "said means for determining are arranged to determine said positions as sectors on an arcuate area". This limitation is based on already examined claim 39 (now deleted).

Since the Examiner has already examined claims 33, 35 and 39, these amendments do not lead to any requirement for a further search. Therefore the Examiner is requested to enter these amendments and take them into consideration at this stage of the prosecution.

Independent system claim 45 already has a corresponding limitation relating to positions being sectors on an arcuate area.

... Also new claim 52 directed to a user interface has been added. The subject matter of this new claim corresponds to subject matter of device claim 24. Therefore the Examiner should also take this new claim into consideration at this stage.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge the amount of \$86.00 for additional claim fees to Deposit Account 16-1350. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Henry J. Steckler
Henry J. Steckler
Reg. No. 24,139

Sept 14, 2004
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9306 on the date indicated below.

Date: 9/14/04

Signature: Doris W. Perman